

Jennifer Grant  
840 Haverford Avenue, #2  
Pacific Palisades, CA 90282  
[sjennig@yahoo.com](mailto:sjennig@yahoo.com)  
(310) 454-0899  
Pro Per

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO

In re the ) No. 37-2011-00150239-PR-TR-NC  
SCHWICHTENBERG REVOCABLE )  
FAMILY TRUST ) JENNIFER GRANT'S RESPONSE AND  
DATED JULY 28, 1982 ) OBJECTIONS TO BRADD SCHWICHTENBERG'S  
 ) RESPONSE TO RUSTY GRANT'S PETITION AS  
 ) SUPPLEMENTED "REGARDING INTERNAL  
 ) AFFAIRS OF TRUST (1) TO ALLOW  
 ) EXTRINSIC EVIDENCE IN THE  
 ) INTERPRETATION AND CONSTRUCTION OF  
 ) TRUST DOCUMENTS, (2) RUNNING OF THE  
 ) STATUTORY PERIOD OF CODE SECTION  
 ) 16061.7, (3) ORDER REQUIRING THE SALE  
 ) OF THE REAL PROPERTY IN THE TRUST,  
 ) (4) ORDER ABATING THE BEQUESTS IN  
 ) TRUST A, (5) ORDER TRUST ASSETS  
 ) CANNOT BE USED TO DEFEND ANY  
 ) CHALLENGE BETWEEN TRUST BENEFICIARIES  
 ) AS TO THE VALIDITY OF ANY TRUST  
 ) DOCUMENT AND (6) ORDER TRUST ASSETS  
 ) CAN BE USED TO DETERMINE AMBIGUITY  
 ) AND CONSTRUCTION OF TRUST"  
 )  
 ) Date: July 22, 2011  
 ) Time: 9:30 a.m.  
 ) Dept: N-23  
 )  
 ) Judge: Honorable Harry L Powazek

Respondent, Jennifer Grant, is the daughter of trustors Norman and Mary Schwichtenberg and a beneficiary of this trust. She is also the legal trustee of B and C and is able and willing to serve. Jennifer objects to Bradd's Response to Rusty Grant's Petition regarding Internal Affairs of the Trust.

1 1. Page 2 paragraph 3. Bradd correctly characterizes the Melody Underwood  
2 Property trust, except for the fact that though now irrevocable, should  
3 the trust be dissolved, it is to become part of the residue of the  
4 Schwichtenberg Revocable Trust. Based upon information and belief, it  
5 is the desire of all of Melody's siblings, including myself, that upon  
6 Melody's death that our shares go to her heirs. However, until her  
7 death, should both Melody's trust be dissolved per conditions of that  
8 Trust's document and trust A simultaneously go into abatement,  
9 Melody's trust would be subject. This is one reason why Jennifer  
10 offered to support the life estate herself.

11 However, contrary to Mary's wishes, Rusty participated in aiding Bradd  
12 and Melody to try and change the terms of The Melody Underwood Property trust  
13 whose trustee is Don Mess by attempting to utilize the provision of  
14 California Probate Code Section 14303 (a) which provides that "if all  
15 beneficiaries of an irrevocable trust consent, they may compel modification  
16 or termination of the trust upon petition to the court."Rusty had no legal  
17 authority to get involved with a trust which she is not trustee of as this is  
18 unprofessional and unethical. Bradd should not have been acting contrary to  
19 his mother's wishes. (Exhibit C - Bradd's Response)

20 2. Page 2, paragraph 4, Line 21. Bradd offers a chart which was prepared  
21 by AG Edwards, a former brokerage, who was one of the institutions Mary  
22 solicited advice from as to potential subtrust divisions. However,  
23 this chart was never used. One only has to look at statements from  
24 Ameriprise prior to 2009 in order to determine that this cannot be so.  
25 The 2014 treasury bonds which were recalled in 2009 are in Trust A on  
26 Bradd's chart. Ameriprise statements show it as being in Trust B.

1           Additionally, through an exercising of their power of general  
2           appointment, Paul's house note, should any of it be outstanding upon  
3           the last trustor's death, was to be forgiven in its entirety per the  
4           Third Amendment paragraph 2 3(b) page 1. This house note does not show  
5           on Bradd's chart at all though it was in trust C. Exhibit D – Bradd's  
6           response, shows the 1998 division of assets for schedule G of Norms 706  
7           chart which shows the true and correct distribution of the subtrusts.

8           3. Page 3, paragraph 7, Line 8. Minda McConnell, a licensed practical  
9           nurse, met Mary in 1994 when Mary hired her to both provide nursing and  
10          caregiving for Norman who was severely brain injured and tripelagic  
11          from a cerebral hemorrhage suffered in 1984. Over the 3 years that  
12          Minda worked for the trustors, from 1994-97, she and Mary developed a  
13          close bond. After Norman died, that bond continued solely as a  
14          friendship from 1997-2009. In 1999 Minda took a trip to Egypt with  
15          Mary (exhibit E-Bradd's response) and several other family members.  
16          She was a regular guest at Mary's home. She exchanged gifts with Mary,  
17          especially on birthdays and Christmas. (Exhibit F-Bradd's Response).  
18          When Mary's cancer came back in stage 4 in her hip so that she was no  
19          longer able to drive, Minda came to help Jennifer care for her at a  
20          wage well below what she can earn with her other patients (Jennifer  
21          cannot drive and thus she and Mary needed help getting places as well  
22          as hygienic care for Mary as Mary's movement, but not her mental  
23          functions, were compromised by the cancer). It is highly unlikely  
24          that Mary even mentioned to her attorney that Minda was working for her  
25          at the time the 8<sup>th</sup> amendment was drafted. Minda was a true friend to  
26          Mary AND the family.

1           Furthermore, Minda uses part of her wages to support elderly relatives  
2 and put younger ones through college who live in the Philippines, her native  
3 country. Mary gave her extra money at times to assist her in this. To deny  
4 Minda the inheritance left her by Mary would not only hurt her but also would  
5 affect those she helps and thwart part of Mary's intent in leaving her money  
6 in the 8<sup>th</sup> amendment.

7           The intent of a Certificate of Independent Review is to prevent  
8 caregivers, who have no other relationship with a client, from taking  
9 financial advantage of them. When the full scope of Minda and Mary's  
10 relationship is examined, it is clear that intent does not pertain to their  
11 situation. Therefore, there is no need for a Certificate of Independent  
12 Review to exist in order for Minda to qualify for the gift Mary left her in  
13 the 8<sup>th</sup> amendment. She was truly as Mary described her, a friend.

14           4. Page 3, paragraph 8, line 19, and prayers pg 4 line 6. Proper notice  
15 of the trust becoming irrevocable was served in September 2010.

16           However, proper notice DOES need to be served regarding the legal  
17 trusteeship of the subtrusts.

18           5. Page 4, prayer 4, line 10. No determination of any need to abate the  
19 life estate has been made. See discussion of abatement in Jennifer's  
20 response to this petition for more on this issue. The bottom line is  
21 that, even should the unlikely situation occur that Trust A does owe  
22 money to B and C and the life estate needs to be abated, there would be  
23 solutions other than merely selling it, such as leasing it and making  
24 payments to the subtrust money was "misspent" out of or letting  
25 Jennifer cover the debt. Bradd's determination to get Mary's home sold  
26 only shows his disgruntlement with his mother's wishes and documents.

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6. Page 4, prayer 7, line 19. As discussed in the Removal petition and answer to Bradd's, Rusty is not the legal trustee of B and C per the terms of the third amendment and also because of the facts Jennifer has laid out. Due to various violations of Probate Code 16000, 16003, 16006, California State Bar guidelines of Attorney Professionalism and Civility and CCP 2023a (3) Rusty should not be trustee of A. Therefore, any notice of change of Trusteeship should take place upon determination of such by this court.

Prayers for Relief

1. That this petition be denied in its entirety except for as follows
2. That following a decision on the Remove Trustee Petition, should the court determine that there is a need to determine if Mary may have "misspent her money", that the court ask Mr McGurn and Jennifer to work together in obtaining a honest, unbiased and accurate accounting that will resolve any allegations of " misspending of trust assets" of the B and C trusts by Mary. That the scope be limited to only that which is necessary. That Jennifer is allowed to redact any personal ID information before documents are seen by any other party or professional (Mr McGurn is invited to be present while she does this). That the accounting be done by Mary's accountant Mr. Mess who knows her financial history and family circumstances with Mr McGurn and Jennifer meeting with him or having prior inspection of the documents he will be using so that Mr. McGurn will be satisfied that the accounting is honest and unbiased with an additional provision that Mr. McGurn may

1 also take the same documents and have a "second opinion" accounting  
2 done if he is not satisfied with Mr Mess' result..

- 3 3. That once court proceedings have ended and any issues regarding  
4 "misspending" assets resolved that Mr. McGurn and Jennifer work  
5 together to determine if any more accounting is needed in order to  
6 distribute the trust according to the trust documents.
- 7 4. If such an accounting is needed that it be done in a way which protects  
8 Jennifer's personal information, is limited in scope to obtaining only  
9 the information needed and conducted on the same terms as described in  
10 prayer #3.
- 11 5. That should Rusty still be trustee of any portion of this trust at the  
12 time that she be precluded from participating for all reasons laid out  
13 in Jennifer's objections to this Rusty's petition, the costs that have  
14 accrued due to her negligence in determining the accuracy of Bradd's  
15 chart and both of them ignoring Jennifer's attempts to set them  
16 straight, though findings may be reported to her as appropriate.
- 17 6. For all prayers already stated in Jennifer's objections
- 18 7. For any other relief that the court deems just and proper.

19  
20  
21 Dated this 5th day of January, 2012

22 \_\_\_\_\_  
23 Jennifer Grant  
24 840 Haverford Avenue, #2  
25 Pacific Palisades, CA 90282  
26 [sjennig@yahoo.com](mailto:sjennig@yahoo.com)  
(310) 454-0899  
Pro Per

Original file this \_\_\_\_\_ day of January,

2012, with:

Clerk of Court

And copy mailed the \_\_\_\_ day of January, 2012

<u>NAME/ADDRESS</u>	<u>RELATIONSHIP TO TRUSTOR</u>
Betty M. Huffman 1625 La Verde Lake San Marcos, CA 92078 Carlsbad, CA 92008	Sister and Beneficiary
Minda McConnell 624 Parker Street Oceanside, CA 92057	Friend and Beneficiary
Irma Arroyo 1755 Boyle Place Escondido, CA 92025	Friend and Beneficiary
Melody Underwood P.O. Box 2611 Crestline, CA 92335	Daughter and Beneficiary
Paul N. Schwichtenberg 4193 McConnell Avenue Los Angeles, CA 90066	Son and Beneficiary
Bradd Schwichtenberg 5702 Maiden Lane Bethesda, MD 20817	Son and Beneficiary Unsure/possible pro per
Rusty Grant 345 West 9 <sup>th</sup> Avenue Suite #102 Escondido, CA 92025	Successor Trustee of A Illegally acting Trustee of B and C
Constance Larsen 345 West 9 <sup>th</sup> Avenue, #102 Escondido, CA 92025	Attorney for Rusty Grant
Law Offices of Richard B. Mcgurn Attn: Richard B. Mcgurn 1015 Chestnut Avenue, Suite E3 Carlsbad, CA 92008	Acting Attorney/ status unknown for Bradd Schwichtenberg



**Melody Underwood Trust**

Tuesday, February 8, 2011 3:59 PM

From: "Rusty" <rustygrant@sbcglobal.net>  
To: "Jennifer Grant" <sjennig@yahoo.com>

Hi Jennifer

I finally read the Consent to Amend the Melody Trust. The Amendment basically states that since Melody will be repaying the \$215,000 loan to the Schwichtenberg Trust, any principal in the house should go to her/her children upon termination of her trust. Is that what you thought the amendment was going to be or something different? I know that your Mom and Dad wanted to take care of Melody but at some point in her life she has to start standing on her own two feet and be accountable for her actions. This is one way of doing it. Regardless, at this point, if you have objections to this Amendment then I cannot sign.

Working on the other matters.

Rusty

Law Office of Rusty Grant  
345 W. Ninth Ave., Suite 102  
Escondido, CA 92025  
(760) 745-5055  
(760) 743-6312 fax

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Exhibit D - Bradd Response - 1998 Chart

ESTATE OF NORMAN SCHWICHTENBERG				
ALLOCATION OF ASSETS ON SCHEDULE G				
	TOTAL	TRUST A	TRUST B	TRUST C
PERSONAL RESIDENCE	235,000	235,000		
200 SHS. BAIRNCO CORP	1,800	1,800		
200 SHS. BONAVISTA PETROLEUM	192	192		
143 SHS. CENTEX	7,396	7,396		
124,230.901 SHS. IDS HIGH YIELD	575,189	399,532	175,657	
18 SHS. EL PASO NATURAL GAS	1,038	1,038		
100 SHS. FLUOR CORP.	5,928	5,928		
240 SHS. FORTUNE BRANDS	8,408	8,408		
240 SHS. GALLAHER GROUP	4,350	4,350		
624 SHS. KIMBERLY CLARK	31,376		31,376	
600 SHS. LOEWS CORP.	62,212	62,212		
600 SHS. MESA INC.	3,412	3,412		
200 SHS. MITCHELL ENERGY	4,769	4,769		
40 SHS. NEWPORT NEWS	811	811		
DIVIDEND	2	2		
200 SHS TENNECO, INC.	9,400	9,400		
3,987.241 SHS. FRANKLIN CA TAX-FRE	49,681		49,681	
162 \$1,000 U.S. TREASURY BONDS	200,728	200,728		
ACCRUED INTEREST	4,276	4,276		
216 \$1,000 U.S. TREASURY BONDS	338,108	0	338,108	
ACCRUED INTEREST	5,755	5,755		
IDS LIFE - ANNUITY IN IMMEDIATE PA	263,261			263,261
PAUL SCHWICHTENBERG NOTE	183,138			183,138
ACCRUED INTEREST	6,986	6,986		
1995 DODGE VAN	25,000	25,000		
FIRST PACIFIC NAT'L BANK	34,828	38,490		
ACCRUED INTEREST	6			
FIRST PACIFIC NAT'L BANK	1,757			
ACCRUED INTEREST	1			
A.G. EDWARDS MONEY MARKET ACCT	1,895			
ACCRUED INTEREST	3			
	2,066,706	1,025,485	594,822	446,399
TOTAL OF TRUSTS B & C			1,041,221	
ONE-HALF OF TOTAL ESTATE		1,033,353	1,033,353	
		(1,025,485)	(1,041,221)	
		7,868	(7,868)	



Exhibit E -Bradd Response - Minda & Mary's trip to Egypt 1999 pg 1  
Date stamped 1999 on back of all pictures, can present at trial

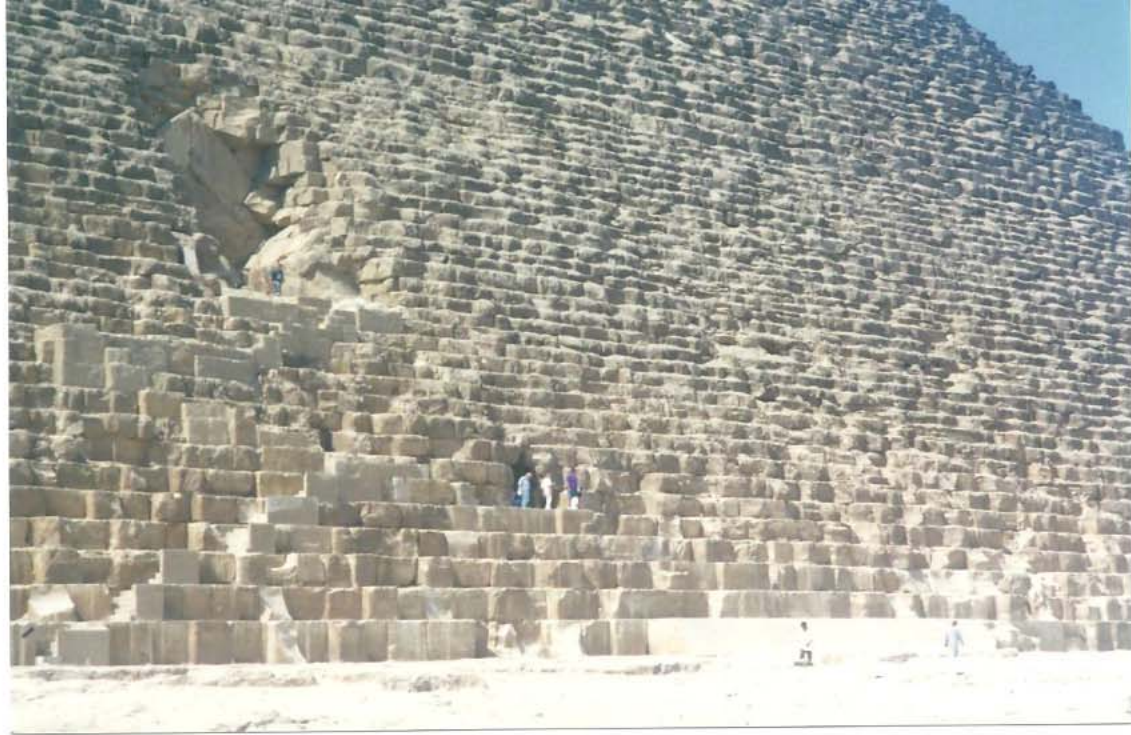


Exhibit E - Bradd Response - Minda & Mary's trip to Egypt 1999 pg 2



Exhibit E - Bradd Response - Minda & Mary's trip to Egypt 1999 pg 2



curr time:07/28/2011 13:10 SAN MARCOS FLORIST 277 S RANCHO SANTA FE RD SAN MARCOS CA 92078 (760)744-1

00014170

Delivery 12/30/2006 Sat San Marcos

Order Has Posted & Reprinted: 2.

-CC Settled SO-Sales Recipient" Rep: 0001-MARILEE J

MINDA B MC CONNELL

MARY SCHWICHBENBERG

624 PARKER ST  
OCEANSIDE CA 92057  
Tel:760 757 3412 2nd Tel:H  
Ref:

1521 VIA ENTRADA DEL LAGO  
LAKE SAN MARCOS CA 92069  
Tel:760 744 7388  
Del Zone: 92069 Mapsco: 001

Product Code	Product Description	Units	Unit Price	Ext. Price
VASE	VASE ARRANGEMENT	1 1 Item	\$34.95	\$34.95

mdse: \$34.95 delv: \$10.95 svc/rel: \$.00 tax: \$3.56 TOTAL: \$49.46

5=Hol Card Message & Note Pad 00014170

Recip:MARY SCHWICHBENBERG / Sal:HAPPY NEW YEAR / BELATED MERRY CHRISTMAS AD BEST / WISHES FOR A PROSPEROUS NEW YEAR /

Date	Time	Employee	Action Taken	Note Pad Detail
12/29/2006	12:59	MAS	Auth In Process	Authorization In Process 12:59:01
12/29/2006	13:00	0001-MARILEE J	Order Entered	Entry Time: 3 Mins 27 Secs Entered By: 0001
12/29/2006	13:00	MAS	Print Order	Selected Local Order Printer Order: L1-3 Card: -1
12/29/2006	13:00	0002-ELIZABETH	Order Assigned	Assigned To Designer
12/29/2006	13:00	0002-ELIZABETH	Order Filled	Scanned In Filled
12/29/2006	13:00	MAS	Card Printed	Selected Local Order Printer Order: -3 Card: L1-3
12/30/2006	10:43	0004-WANDA D	Out On Delivery	Checked-Out On Trip 000401 Stop No: 01
12/30/2006	11:26	0004-WANDA D	Delivered	Checked-In On Trip 000401 Status: DEL Stop No: 01
12/30/2006	13:01	0001-MARILEE J	Invoiced	Auto Invoiced 123106
12/30/2006	13:01	MAS	Credit Cd Settled	Credit Cd Captured In Batch No: / Amt Of: \$49.46
12/30/2006	13:02	0001-MARILEE J	Order Posted	Posted
07/28/2011	13:09	0002-ELIZABETH	Reprint Order	OK
07/28/2011	13:10	MAS	Print Order	OK Selected Local Order Printer Order: L1-3 Card: -3

Scan here if order filled from stock 00014170



Happy New Year

*Belated Merry Christmas Ad Best  
Wishes For A Prosperous New Year*

*I Love You,  
Minda*

**760-744-1634**



VASE ARRANGEMENT

OUR GUARANTEE  
It was a pleasure to give this order our personal attention. We consider every order an obligation to give complete satisfaction. Whether you ordered these flowers yourself or received them from someone, please PHONE US within 48 hours if you are not completely satisfied in every way.



277 S. Ranch Street, Suite M  
San Marcos, CA 92078

**760-744-1634** Schwichbenberg  
1521 Via Entrada Del Lago  
Lake San Marcos Ca 92069

**00014170**



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**00020383**

**Delivery 04/16/2008 Wed San Marcos**

*Order Has Posted & Reprinted: 3.*

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 -CC Settled SO-Sales Recipient" Rep: 0002-ELIZABETH  
 -----

MINDA B MC CONNELL

MARY SCHWICHBENBERG

624 PARKER ST  
 OCEANSIDE CA 92057  
 Tel:760 757 3412 2nd Tel:760 757 3412  
 Ref:MINDA B MC CONNELL

1521 VIA ENTRADA DEL LAGO  
 LAKE SAN MARCOS CA 92069  
 Tel:760 744 7388  
 Del Zone: 92069 Mapsco: 001

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 Product Code Product Description Units Unit Price Ext. Price  
 -----

VASE VASE ARRANGEMENT W PINK ROE 1 \$34.95 \$34.95  
 Discount Pct: 10.0 % \$3.50-

1 Item

mdse: \$34.95 delv: \$9.95 svc/rel: \$0.00 tax: \$3.21 TOTAL: \$44.61

-----  
 3=Bir Card Message & Note Pad 00020383  
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Recip:MARY SCHWICHBENBERG / Sal:HAPPY BELATED BIRTHDAY! / I AM ALWAYS THINKING OF YOU.MY / LOVE AND /  
 PRAYERS..... /

Date	Time	Employee	Action Taken	Note Pad Detail
04/16/2008	09:04	MAS	Auth In Process	Authorization In Process 09:04:11
04/16/2008	09:06	0002-ELIZABETH	Order Entered	Entry Time: 4 Mins 19 Secs Entered By: 0002
04/16/2008	09:06	MAS	Print Order	Selected Local Order Printer Order: L1-3 Card: -1
04/16/2008	10:58	0002-ELIZABETH	Order Assigned	Assigned To Designer
04/16/2008	10:58	0002-ELIZABETH	Order Filled	Scanned In Filled
04/16/2008	10:58	MAS	Print Order & Card	Selected Local Order Printer Order: L1-3 Card: L1-3
04/16/2008	14:07	0004-WANDA D	Out On Delivery	Checked-Out On Trip 000402 Stop No: 04
04/16/2008	16:15	0004-WANDA D	Delivered	Checked-In On Trip 000402 Status: DEL Stop No: 04
04/16/2008	16:36	0002-ELIZABETH	Invoiced	Auto Invoiced 41608
04/16/2008	16:36	MAS	Credit Cd Settled	Credit Cd Captured In Batch No: / Amt Of: \$44.61
04/16/2008	16:37	0002-ELIZABETH	Order Posted	Posted
07/28/2011	13:10	0002-ELIZABETH	Reprint Order	OK
07/28/2011	13:10	MAS	Print Order	Selected Local Order Printer Order: L1-3 Card: -3
07/28/2011	13:12	0002-ELIZABETH	Reprint Order	OK
07/28/2011	13:12	MAS	Print Order & Card	Selected Local Order Printer Order: L1-3 Card: L1-3

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